

REMARKS

STATUS OF CLAIMS

Claims 8-20 are pending in the application. Claims 18-20 are withdrawn from consideration. Claims 8-17 are rejected.

INFORMATION DISCLOSURE STATEMENT:

The Examiner asserts that the Information Disclosure Statement (IDS) filed on August 21, 2003 did not include English translations of the non-English references or a description of their relevance. As noted in the August 21, 2003 IDS, the non-English references and the English language Abstracts, constituting the concise explanation of relevancy, were filed in parent Application No. 09/871,729, now U.S. Pat. No. 6,672,585. Therefore, copies are not necessitated in the present application. Nevertheless, for the Examiner's convenience, copies of the non-English references and their English language Abstracts are included herewith.

Accordingly, Applicant requests the Examiner to indicate that the references submitted with the August 21, 2003 IDS have been considered. Applicant also requests that the Examiner indicate that the reference submitted with the October 31, 2003 IDS has been considered.

35 USC § 103:

Claims 8-11 and 14-16

Claims 8, 9, 14¹ rejected under 35 U.S.C. 103 (a) as being unpatentable over DeCock (U.S. Pat. No. 3,761,723) in view of Bridges (U.S. Pat. No. 3,835,332).

¹ The Examiner also set forth a ground of rejection for claims 10, 11, 15 and 16, as shown on pages 3 and 4 of the Office Action.

In an exemplary embodiment, the invention of claim 8 provides an apparatus for measuring a dimension of a sheet member including a light source that applies light (with a wavelength to prevent fogging) and a plurality of photodetectors. The photodetectors have respective optical axes directed toward a feed path of the sheet member and detect light from the light source. A data processor detects the position of an end of the sheet member and measures a dimension of the sheet member from the detected end position. An exemplary embodiment of the invention is shown in present Figure 7.

The Examiner asserts that Figures 1 and 4 of DeCock disclose an apparatus for measuring dimensions. The dimensions are shown in Figure 4 as “A-G.” Element 10 is applied for disclosing a light source, which sends light to a plurality of photoelectric detectors 17. Applicant respectfully traverses the Examiner’s position in view of the following remarks.

Claim 8 recites, *inter alia*,

“a data processor for detecting the position of an *end* of said sheet member based on the luminance of said light detected by said photodetectors, and measuring a dimension of said sheet member from the detected position of the *end* of said sheet member.” (Emphasis added.)

The Examiner alleges that a data processor (Fig. 6, element 23) detects a position of an “end” of a sheet member 14 based on luminance of light detected by the photodetectors 17, and measures a dimension (Fig. 4, ref A-G) of the sheet member 14.

As shown in the non-limiting embodiment of present Figure 9, an exemplary sheet member is illustrated by element 112. A vision field 138’ of camera 138 is provided at an end of the sheet member. Thus, according to exemplary embodiments of the present invention,

dimensions of various sheet members having different standard lengths can accurately be measured (e.g., dimensions in the feeding direction.)

Claim 8 does not recite the word “end” in a vacuum, but rather recites “an end of said sheet member.” Thus, the Examiner must first find the end of the applied sheet member 14 to properly support his position. An end of the sheet member 14 is not explicitly disclosed, but is presumably present in a center of either roll 15 or 16, as shown in Figure 1 of DeCock. However, the end of the roll 15 or 16 is not used as a measuring point in DeCock. Instead, the dimensions calculated in DeCock are based on *notches* disposed in the illuminated spots 12, shown in Figure 2, and in particular, refer to the dimension “c” discussed in cols. 3 and 4 of DeCock. Thus, a skilled artisan would not consider the measured areas of DeCock as being “ends” of the film. Thus, it is respectfully submitted that DeCock fails to disclose each feature of the unique combination of elements in claim 8.

The Examiner acknowledges DeCock fails to show an LED (claim 14) light source for applying light in a wavelength range which prevents the sheet member from being fogged. Thus, Bridges is applied for disclosing a LED light source which prevents fogging (see Bridges, col. 1, lines 47-53 and col. 4, lines 37-41). Applicant submits that the application of Bridges fails to make up for the deficient teachings of DeCock.

Accordingly, the combination of DeCock and Bridges fails to teach or suggest each feature of claim 8, such that the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn. The rejection of dependent claims 9-11 and 14-16 should likewise be withdrawn, at least due to their dependencies on claim 8.

Also, in regard to claim 16, the Examiner takes Official Notice and asserts that a CCD camera (as claimed) is equivalent to a two dimensional diode matrix array (as in DeCock). Applicant respectfully traverses this assertion because it does not appear that the Examiner's allegation is capable of instant and unquestionable demonstration as being "well-known" in the art, based on the evidence that the Examiner has presented, as required by MPEP §2144.03. Also, as noted in MPEP §2144.03, if Applicant traverses the Examiner's taking of Official Notice, the Examiner must provide documentary support for his position.

Claim 12

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Wenthe, Jr. (U.S. Pat. No. 5,169,140).

The Examiner acknowledges that DeCock fails to show skew detecting means and skew correcting means as claimed. Thus, Wenthe, Jr. is applied for allegedly showing these features. It has long been held that the Examiner must "show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for a combination in the manner claimed." *In re Rouffet*, 47 USPQ2d 1453 (Fed.Cir. 1998). In this case, there is no motivation to provide a skew detecting means or a skew correcting means to DeCock's device for measuring dimensions of notches in a film strip. Nevertheless, claim 12 is deemed patentable at least due to its dependency on claim 8, because Wenthe, Jr. fails to make up for the deficiencies of both DeCock and Bridges.

Claim 13 and 17

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Kerkhoff et al. (U.S. Pat. No. 5,237,181 [hereinafter "Kerkhoff"]). Kerkhoff is applied for disclosing an electronic LED flash lamp.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeCock in view of Bridges and further in view of Richards et al. (U.S. Pat. No. 6,173,952 [hereinafter "Richards"]). Richards is applied for disclosing a pair of belt conveyors for feeding a sheet member while gripping the sheet member there between.

Claims 13 and 17 are deemed patentable over the art at least due to their respective dependences on claim 8. This is because the application of Kerkhoff and Richards fails to provide motivation for modifying DeCock to have the features of claim 8.

NEW CLAIMS:

Applicant adds new claims 21-26 to obtain more varied protection for the invention. Claims 21-26 read on the elected invention and are patentable over the art at least due to their respective dependences on claim 8.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. §1.111
U.S. Application No. 10/644,871

Attorney Docket No. Q77027

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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23373

CUSTOMER NUMBER

Date: June 21, 2006